

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Charles Yovontre Powell,

Civil No. 20-cv-1142 (PJS/HB)

Plaintiff,

v.

Daniel Marland Casey, Jeffery Thomas
Austreng, Lt. Brian Bradley, Several John and
Jane Does,

**ORDER ON REPORT
AND RECOMMENDATION**

Defendants.

Jeffery Thomas Austreng,

Third-Party Plaintiff,

v.

The State of Minnesota/Department of
Corrections,

Third-Party Defendant.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation is **ADOPTED**;
2. Third-Party Defendant Minnesota Department of Corrections's Motion to

Dismiss Third-Party Complaint [ECF no. 113] is **GRANTED**.

3. Austreng's Third-Party Complaint [ECF No. 132] is **DISMISSED** without prejudice to refiling in state court.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 15, 2021

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge